

REMARKS

Claims 1-15 were presented for examination. In an Office action dated May 14, 2007, claims 1-4 were allowed and claims 5-15 were rejected.

Applicants thank the Examiner for examination of the claims pending in this application and address the Examiner's comments below. Based on the above Amendment and following Remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and withdraw them.

Response to Rejection Under 35 USC § 102

CLAIMS 5-7

The Examiner has rejected claims 5-7 under 35 USC § 102(b) as being anticipated by U.S. Patent No. 5,995,596 (hereinafter "Shaffer"). This rejection is respectfully traversed.

Claim 5 recites:

A method for distributing voice mail messages, the method comprising:
determining, at a first server, whether a second server is available; and
responsive to determining that the second server is available:
 retrieving a voice mail message from the first server; and
 sending the voice mail message to the second server.

Shaffer does not disclose, teach, or suggest the claimed element "responsive to determining that the second server is available ... sending the voice mail message to the second server." In Shaffer, a voice mail message is sent to a second server (a designated central voicemail server) when a user has designated such server to be the central mailbox. The determination regarding when to send this message is based on inputs from the user (e.g., the user configures one of the mailboxes as a central mailbox), and not whether a second server is available. *See* Shaffer col. 5, lns. 51-54. Therefore, Shaffer does not disclose sending the message based on a determination that the remote voice mail system is available.

As such, Shaffer does not disclose or suggest the claimed element “responsive to determining that the second server is available ... sending the voice mail message to the second server”, as recited in claim 5. Therefore, for at least thereasons state above, the Applicants submit that claim 5 is patentable over Shaffer.

All arguments advanced above with respect to claim 5 apply equally to claims 6 and 7. As claims 6 and 7 depend either directly or indirectly from the patentable independent claim 5 discussed above, all arguments advanced above with respect to independent claim 5 are hereby incorporated so as to apply to these dependent claims as well. Applicants submit that dependent claims 6 and 7 are patentable over the prior art of record by reason of their dependency.

CLAIMS 5-15

The Examiner has rejected claims 5-15 under 35 USC § 102(b) as being anticipated by U.S. Patent No. 6,369,908 (hereinafter “O’Donovan”). This rejection is respectfully traversed.

As stated above, claim 5 recites:

A method for distributing voice mail messages, the method comprising:
determining, at a first server, whether a second server is available; and
responsive to determining that the second server is available:
 retrieving a voice mail message from the first server; and
 sending the voice mail message to the second server.

O’Donovan does not disclose, teach, or suggest the claimed element “determining, at a first server, whether a second server is available.” In Examiner’s Office Action in the discussion regarding the allowable subject matter, the Examiner states that “[s]ince O’Donovan teaches storing a voicemail message to the remote system via a network to reduce communications traffic over a telephone network, *there is no need to determine whether the remote system is available*” (emphasis added).

As such, O'Donovan does not disclose or suggest the claimed element "determining, at a first server, whether a second server is available," as recited in claim 5. Therefore, for at least the reasons state above, the Applicants submit that claim 5 is patentable over O'Donovan.

All arguments advanced above with respect to claim 5 apply equally to claims 6 and 7. As claims 6 and 7 depend either directly or indirectly from the patentable independent claim 5 discussed above, all arguments advanced above with respect to independent claim 5 are hereby incorporated so as to apply to these dependent claims as well. Applicants submit that dependent claims 6 and 7 are patentable over the prior art of record by reason of their dependency.

Claim 8 recites:

An apparatus for receiving, storing, and distributing voice mail messages,
the apparatus comprising:

- a call status module, configured to determine whether a call should be transferred to voice mail;
- a call transfer module, configured to determine a call's voice mail extension and a server on which the voice mail extension resides, wherein the server is one of a plurality of servers, and wherein voice mail extensions reside on each server of the plurality of servers; and
- a voice mail migration module, configured to send a voice mail message to a remote server.

O'Donovan does not disclose, teach, or suggest the claimed element "a call transfer module, configured to determine a call's voice mail extension and a server on which the voice mail extension resides, wherein the server is one of a plurality of servers, and wherein voice mail extensions reside on each server of the plurality of servers." The Examiner points to remote voice mail system 76B as the "call transfer module to determine a call's voicemail extension." However, in O'Donovan, "[t]he remote telephone switch 74B communicates the called number and an identification of the calling system 78A to the remote voice mail system 76B." Shaffer,

col. 8, lns. 3-6. Therefore, the voice mail system 76B does not determine a call's voicemail extension."

As such, O'Donovan does not disclose or suggest the claimed element "a call transfer module, configured to determine a call's voice mail extension and a server on which the voice mail extension resides, wherein the server is one of a plurality of servers, and wherein voice mail extensions reside on each server of the plurality of servers," as recited in claim 8. Therefore, for at least the reasons stated above, the Applicants submit that claim 8 is patentable over O'Donovan.

All arguments advanced above with respect to claim 8 apply equally to claims 9-14. As claims 9-14 depend either directly or indirectly from the patentable independent claim 8 discussed above, all arguments advanced above with respect to independent claim 8 are hereby incorporated so as to apply to these dependent claims as well. Applicants submit that dependent claims 9-14 are patentable over the prior art of record by reason of their dependency.

Claim 15 recites similar language and is likewise patentable over O'Donovan for at least the same reasons. Therefore, the Applicants submit that claim 15 is patentable over O'Donovan.

Conclusion

Applicant respectfully submits that the pending claims are allowable over the cited art of record and requests that the Examiner allow this case. The Examiner is invited to contact the undersigned in order to advance the prosecution of this application.

Respectfully submitted,
SCOTT A. VAN GUNDY

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By: /Kanda Ishihara/
Kanda Ishihara, Reg. No. 56,607
Attorney for Applicant
FENWICK & WEST LLP
Silicon Valley Center
801 California Street
Mountain View, CA 94041
Tel.: (650) 335-7805
Fax: (650) 938-5200